



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/10/97)

Do **NOT** use for expedited repeal or adoption

Agency: Department of Ecology

A.O. # 00-03

Subject of possible rule making: Revision and possible consolidation of WAC 317-10 and 173-181 the Vessel and Facility Oil Spill Contingency Plan Standards and Primary Response Contractor Standards.

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 90.56 and RCW 88.46

(b) Reasons why rules on this subject may be needed and what they might accomplish Since 1991, when the rules became effective, many changes have taken place that affect how oil spill responses are conducted in Washington. These changes include new federal regulations, the development of the Northwest Area Contingency Plan, and the establishment of the geographic response plans. Our goal is to revise the current rules to make them more consistent with changes that have occurred since they were first written, use simpler language that takes advantage of the planning that has been done, and develop rules that are more efficient by consolidating regulatory requirements.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The following agencies have similar planning requirements for the industries these rules will affect: U.S Coast Guard, Environmental Protection Agency, and U.S. Department of Transportation. Although the federal Oil Pollution Act of 1990 has similar requirements for regulated tank vessels, facilities, and contractors, the Washington State statutes are broader and differ in significant ways so therefore simply adopting federal rules isn't feasible. Rules specific to Washington are necessary. These agencies will be encouraged to join the process described in (e) below.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe): This is not a new rule. These rules have been in effect for 10 years and are now being updated to reflect changes that have occurred since the rules were adopted. Ecology will solicit input as described below in section (e) and will follow the standard rule making process required by the Administrative Procedures Act and the Regulatory Fairness Act.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(list names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Ecology will begin the process by sending out a Focus Sheet describing our revision process and encouraging those interested to submit their proposed changes to the present contingency planing rules. The next time we will actively seek input is after we have compiled Issue Statements from the comments we receive and the research we conduct. We will hold workshops and meetings to discuss these Issue Statements with those who have indicated interest. We will take the input we receive regarding the Issue Statements and use them as we draft the new rules. Once the new rules are drafted we will again hold workshops and meetings. When we have addressed all of the issues regarding our draft rules we will hold public hearings. For more information contact: Roy Robertson, Department of Ecology – Spill Program, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-7202, (360) 6042 (fax), rrob461@ecy.wa.gov.

CODE REVISER USE ONLY

CODE REVISER'S OFFICE

STATE OF WASHINGTON

FILED

FEB 16 2000

TIME 9:30 AM

WSR 00-05-096

NAME (TYPE OR PRINT)
Joe Stohr

SIGNATURE
JOE STOHR

TITLE
Program Manager

DATE
2-16-00